

Congress of the United States

House of Representatives

December 15, 2023

The Honorable Kristen Clarke
US Department of Justice
Civil Rights Division
Office of the Assistant Attorney General, Main
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Ms. Clarke:

On December 4, 2023, Travis County District Attorney José Garza, City of Austin Mayor Kirk Watson, and Interim City Manager Jesús Garza sent you a letter to request a pattern-or-practice investigation of the Austin Police Department. I write to voice my support for their request.

I share serious concerns about the practices of the Austin Police Department leading to violations of individuals' Constitutional and civil rights. The incidents of police misconduct that have occurred in the past two decades are not irregular or happenstance — they indicate the need for systemic reforms to the Department's policies and practices of excessive and lethal use of force, racial discrimination, and discrimination against people with mental health conditions. Previous attempts at reform have often been met with resistance, so I ask that the Department of Justice intervene to ensure accountability with comprehensive oversight and enforcement. Since the 2007 DOJ investigation of the Austin Police Department, concerns about excessive and lethal force exercised by Austin police officers, particularly against communities of color and persons with mental health conditions, have continued.

In the last seven years, there have been multiple examples of the Austin Police Department's pattern and practice of utilizing excessive force against people of color and people with mental health conditions. Our community has not forgotten the lives of David Joseph,¹ Michael Ramos,² Mauris DeSilva,³ Rajan Moonesinghe,⁴ and others.

After the murder of George Floyd in Minneapolis and the shooting of Michael Ramos in Austin, concerns about the Austin Police Department came to a head. At large-scale demonstrations occurring on May 30 and 31, 2020, Austin Police Department officers used lead pellet weapons against community members as a form of crowd control.⁵ During that two-day period, protestors, paramedics, and bystanders suffered

¹ Katie Hall. [David Joseph Shooting: Police Report Sheds Light on Teen's Mental State](#). Austin American-Statesman, Aug. 13, 2016.

² Tony Plohetski and Hojun Choi. [Man Killed In Police Shooting Last Month Did Not Have Firearm. Chief Confirms](#). Austin American-Statesman, May 11, 2020.

³ Marisa Charpentier. [Austin Police Officer Who Shot Mike Ramos Indicted On Second Murder Charge](#). KUT News, Aug. 27, 2021.

⁴ Dylan Scott. [Moonesinghe family fights for police accountability in Austin](#). Spectrum News 1. Jun. 15, 2023

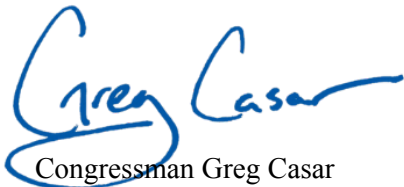
⁵ Heather Osbourne and Katie Hall. ['This is Not What We Set Out To Do.' Chief Says After Police Injure Some During Protests](#). Austin American-Statesman, June 1, 2020.

serious, and in some cases, permanently debilitating injuries as a result. Even after lead pellet weapons inflicted grievous injuries on protestors in May 2020, officers continued to utilize these weapons in other police encounters.⁶

Multiple studies, reports, investigations, and audits have found Austin needed to address officers responses to mental health-related incidents,⁷ high rate of police killings,⁸ police academy's training practices,⁹ and racial disparity.¹⁰ Unfortunately, the many attempts by community members and local government officials over the last two decades to change department policies, update officer trainings,¹¹ and undertake other policing reforms have met resistance by the Department and have not ended dangerous patterns at APD.

A federal pattern-or-practice investigation into civil rights violations by the Austin Police Department, particularly of the department's policing of communities of color, people with mental health conditions, and those exercising their First Amendment rights, is both necessary and long overdue. I look forward to working with you to improve public safety and civil rights protections in Austin.

Sincerely,



Congressman Greg Casar
Texas Congressional District 35

⁶ Brianna Hollis and Mercedes Hernandez. [APD To Stop Using Less Lethal Shotguns 'Effective Immediately,' per Internal Memo](#). KXAN, Aug. 7, 2023.

⁷ City of Austin Office of the City Auditor. [Audit Report: APD Response to Mental Health-Related Incidents](#). Sept. 2018, p. 7.

⁸ Elizabeth Findell. [Entrepreneur's Death at Hands of Police Prompts Calls for Change](#). Wall Street Journal, Dec. 19, 2022.

⁹ City of Austin, [Resolution No. 20191205-066](#). Dec. 5, 2019.

¹⁰ Kroll Associates, Inc. [Evaluation of Austin Police Department: Use of Force/Public Interactions/Recruitment, Selection, and Promotions](#), p. 45.

¹¹ Emma Freer. [APD Training Academy Continues to Resist Outside Recommendations for Reform](#). Austin Monitor, June 14, 2023.